D. REMARKS

Change of Art Unit

Applicants note the change of the Art Unit and will direct correspondence accordingly.

Information Disclosure Statement

Applicants note the Examiner's citation that the Information Disclosure Statement filed 1/28/2002, items CG-CQ fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no reference date associated with said items. Applicants respectfully note that items CG-CQ are the same references cited in the "cross-references to related applications" section of the specification of the present invention.

Specification

The Examiner objected to the disclosure because the cross-references to related Applications was missing application serial numbers. Applicants have amended the specification above to include the application serial numbers of the related cross-references.

Amendments

Applicants have amended claims 9, 20, and 31 to correct a typographical error. Claim 1 refers to "selected portions". Claims 9, 20, and 31 originally referred to "selection portions" but have been amended to refer to "selected portions".

35 USC § 102(b)

Claims 1-6, 8-10, 12-17, 19-21, 23-28, and 30-32 stand rejected under 35 U.S.C. §102(b) as being disclosed by Frank et al. (US Patent Number 5,651,107) (hereinafter referred to as Frank).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union

Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. In re Hoecksma, 158 USPQ 596, 600 (CCPA 1968); In re LeGrive, 133 USPQ 365, 372 (CCPA 1962).

Claim 1

With respect to claim 1, the Examiner cites Frank col. 2, ln. 27- col. 3, ln. 4. as teaching the method of claim 1. Claim 1 currently reads:

> 1. (Original) A method for changing alpha levels of a displayable object, said method comprising the steps of:
>
> determining an alpha level to represent a status of a non- interactive computing task; and
>
> graphically adjusting a transparency of at least a selected portion of a displayable object associated with said non-interactive computing task according to said alpha level, such that said status of said non-interactive computing task is displayed by said associated displayable object.

Applicants respectfully propose that Frank does not anticipate the invention of claim 1 because Frank does not teach expressly or inherently the step of "determining an alpha level to represent a status of a non-interactive computing task." Further, Frank does not enable this step. In the summary of the invention, Frank teaches windows with associated alpha values, where the alpha values can be selectively set. [Frank Col. 2, lns. 56-59] Then, in the summary of the invention and throughout the detailed description, the only method that Frank teaches for selectively setting the alpha value is through a user interface where the user uses a cursor control device to adjust a slider in a window to selectively set the alpha value. [Frank Col. 2, lns. 63-65]

Applicants respectfully propose that Frank merely teaches an alpha value that can be selectively set for a window. Frank does not teach determining an alpha value that represents anything, but merely teaches adjusting alpha values of windows so the graphical objects displayed in multiple windows are concurrently visible. More specifically, Frank does not teach the step of first determining an alpha value that represents the status of a non-interactive computing task and then setting the alpha value for a window associated with that non-interactive computing task to that alpha value.

Further, Applicants respectfully propose that Frank's teaching of a user interface for user selection of an alpha value does not teach "determining an alpha level to represent a status of a non-interactive computing task." According to Frank, a user interface requires a user to select a value. Then, according to Frank, For the transparency of the window to change, the user must select another value. In contract, the present invention discloses a computer performed step of computing an alpha level to represent a current function of the computing system and then automatically setting the transparency of a window associated with that function according to the computed alpha level. Inherent in the step is that as the status of the function changes, a new alpha value is automatically determined to represent the status and the transparency of the associated window is automatically adjusted to the new alpha value.

Furthermore, Applications respectfully propose that the allowable subject matter cited by the Examiner further shows that Frank does not anticipate claim 1 of the present invention. Claims 7 and 11 are objected to by the Examiner, but would be allowed if written in independent form. Applicants respectfully propose that claims 7 and 11 are dependent examples of the steps of claim 1 and that just like claims 7 and 11, claim 1 is not taught by Frank.

First, claim 1 includes the step of "determining an alpha level to represent a status of a non-interactive computing task." Claim 7 teaches applying the present invention to one type of "non-interactive computing task", a sound played in association with the displayable object, and further describes the step, "wherein said resulting transparency oscillates within said displayable object according to a frequency spectrum of a sound intended for output in associated with said displayable object." Just as Frank does not teach determining an alpha level to represent the

status of the non-interactive computing task of sound, Frank does not teach determining an alpha level to represent other types of non-interactive computing tasks in general.

Next, claim 1 includes the step of "graphically adjusting a transparency of at least a selected portion of a displayable object associated with said non-interactive computing task according to said alpha level, such that said status of said non-interactive computing task is displayed by said associated displayable object." Just like claim 1, claim 11 teaches "graphically adjusting a transparency of at least a selected portion of a displayable object". Then, Claim 11 teaches applying the present invention to another type of "non-interactive computing task", the progress of an installation program. As in claim 7, just as Frank does not teach determining an alpha level to represent the status of the non-interactive computing task of a program installation, Frank does not teach determining an alpha level to represent other types of non-interactive computing tasks in general.

Claims 1-6, 8-10

Regarding claims 1-6 and 8-10, Applicants respectfully propose that because the Examiner did not establish that Frank anticipates the independent claim 1 upon which these dependent claims rely, then Frank does not anticipate these dependent claims and the dependent claims should be allowed. Specifically, however, Applicants respectfully propose that even if Frank anticipates Claim 1, Frank does not anticipate in claims 3 and 4.

Claim 3

With respect to claim 3, the Examiner cites Frank col. 2, ln. 27- col. 3, ln. 4 and in particular "text, icons, and buttons corresponding to functions to be executed by the CPU", as teaching the method of claim 3. Specifically, in the summary of the invention, Frank col. 2, ln. 27 – 38 reads as follows:

> "An apparatus and method is disclosed which has application for use in computer display systems, and in particular, display systems having object oriented graphic user interfaces with overlapping windows. A central processing

unit (CPU) is provided and is coupled to a display for displaying graphic and other data in multiple overlapping windows... The windows include defined areas having window features, such as text, icons, and buttons corresponding to functions to be executed by the CPU."

Applicants respectfully propose that Frank does not anticipate the invention of claim 3 because Frank does not teach expressly or inherently the step of "detecting said status for at least one from among usage of a processor, memory, a sound card, a graphics card, a storage device, and network bandwidth." Further, Frank does not enable this step.

In rejecting claim 3, the Examiner equates the Frank teaching of "text, icons or buttons corresponding to functions to be executed by the CPU" with teaching the step of "detecting said status for at least one from among usage of a processor, memory, a sound card, a graphics card, a storage device, and network bandwith." [Office Action p. 3-4] Applicants respectfully propose that when the "text, icons, and buttons corresponding to functions to be executed by the CPU" are read within the context described in Frank, Frank does not teach the detecting step of Claim 3.

Frank col. 2, lns. 36-38 teaches a window including "defined areas *having window features, such as* text, icons, and buttons corresponding to functions to be executed by the CPU." (emphasis added) Thus, when read in context, Frank teaches a traditional window with window features that allow a user to view the results of a CPU function in "text" or invoke a function through a "button". Additionally, the specification further clarifies that the windows taught in Frank are traditional windows with selectable elements and display elements in col. 6, lns. 11-20 as follows:

"For purposes of the present invention, a "window" may be a traditional rectangular region on a display in which data is displayed, as well as smaller sub-regions, such as pop-up, pull-down, or other menus, icons, symbols, or other display elements, and objects, generally. In the case of objects such as icons, the "data" displayed in the object may comprise only the pixels defining the icon. In

objects such as rectangular windows, menus, or sub-menus, the data displayed in such objects may include alphanumeric and/or graphic data."

Nowhere does Frank teach detecting the status of a processor, memory, sound card, graphics card, storage device, or network bandwidth. Furthermore, nowhere does Frank teach detecting the status of a processor, memory, sound car, graphics card, storage device, or network bandwidth, determining an alpha value associated with that value, and adjusting the transparency of a graphically displayed object associated with the status element according to the alpha value.

Furthermore, as discussed in regards to claims 1 and 7 above, Frank does not teach determining an alpha value to represent the status of a "non-interactive computing task". Similarly, Frank does not teach the multiple types of "non-interactive computing tasks" for which a status is determined in Claim 3.

Claim 4

With respect to Claim 4, the Examiner cites Frank col. 1, lns 63-65 as teaching the method of claim 4. Claim 4 currently reads:

> 4. (Original) The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the steps of:
>
> determining a color level to represent said non-interactive computing task; and
>
> graphically adjusting said color with said transparency according to said color level of said at least said selection portion of said displayable object associated with said non- interactive computing task.

The Examiner specifically equates the steps of claim 4 with the teaching of Frank at col. 1, lns 63-65 that reads as follows: "In systems with multiple bits, typically at least eight, it is possible to vary the intensity and color of the pixels on the display." In fact, Frank merely

teaches varying the color and intensity of windows in a display area. In contrast, Claim 4, teaches "determining a color level to represent said non-interactive computing task" which is not taught by Frank and then adjusting the color of an associated displayable object to the color level. Further, in the same way that Frank does not teach determining an alpha level to represent a "non-interactive computing task" in Claim 1, Frank does not teach determining a color level to represent a "non-interactive computing task" in Claim 1.

Claims 12 and 23

Claims 12 and 23 stand rejected as system and program claims, for performing the method of claim 1, and therefore are rejected under the same rationale. Applicants respectfully propose that the Examiner does not establish anticipation of claim 1, and therefore corresponding system and program claims 12 and 23 should not be rejected.

Claims 13-17, 19-21, 24-28, and 30-32

Claims 13-17, 19-21, 24-28, and 30-32 stand rejected as system and program claims, for performing the method of dependent claims 2-6 and 8-10, respectively, and therefore are rejected under the same rationale. Applicants respectfully propose that the Examiner does not establish anticipation of claims 2-6 and 8-10 and therefore corresponding dependent system and program claims 13-17, 19-21, 24-28, and 30-32 should not be rejected.

Allowable Subject Matter

Claims 7, 11, 17, 22, 29, and 33 stand objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note with appreciation the allowable subject matter, however choose to initially traverse the rejected base claims.

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

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